**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO. 29984 OF 1997**

Date: 03.04.2007

Between:

S. Sivaiah and another.

... Petitioners

and

The A.P. State Electricity Board, rep., by its Secretary, Vidyut Soudha, Hyderabad and six others.

... Respondents.

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**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO. 29984 OF 1997**

**ORDER:**

This writ petition is filed to declare the proceedings in B.P.Ms. No. 39 dated 19.05.1997 issued by the first respondent granting exemption to such of those employees, who crossed 45 years of age, as arbitrary and illegal.

Both Sri G. Prabhakara Rao, learned Counsel for the petitioner and Sri Samineni Kishore, learned Counsel for the respondent would agree that the subject matter of this writ petition is covered by the order of the Supreme Court in Civil Appeal No. 180-81 of 1984 and batch dated 27.02.1996 wherein the Supreme Court held that, since relaxation had been given to the employees as far back as in 1981 and, by the time the matter had come before the Supreme Court, they had already put in more than 15 years of service and most of them may be nearing retirement, any direction which would take away the relief granted by the Board in 1981 would do more harm than good. The Supreme Court, while upholding the order of the Board on the interpretation of the Rules keeping in view the time lapse and also to obviate the injustice which was likely to be caused to the appellant in case the relaxation was withdrawn, set aside the order of the High Court in so far as the relief part was concerned and the order of the Board granting relaxation to the appellants from passing the test was upheld. This writ petition is disposed of in accordance with and in terms of the aforesaid order of the Supreme Court in C.A. No. 180-

181 of 1984 and batch dated 27.02.1996. No costs.

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Date: 03.04.2007 RAMESH RANGANATHAN, J

MRKR